



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JN
F. #2017R01809

*271 Cadman Plaza East
Brooklyn, New York 11201*

December 21, 2017

By Hand Delivery and ECF

Mildred M. Whalen
Len H. Kamdang
Federal Defenders of New York
One Pierrepont Plaza, 16th Floor
Brooklyn, NY 11201

Re: United States v. Maksim Zaslavskiy
Criminal Docket No. 17-647 (RJD)

Dear Ms. Whalen and Mr. Kamdang:

Enclosed please find the government's discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant. The following records are enclosed on an encrypted disc, the password for which will be emailed to you separately.

I. **The Government's Discovery**

A. **Statements of the Defendant**

Enclosed please find a transcript of the defendant's testimony before the Securities and Exchange Commission ("SEC") on September 20, 2017, bates-numbered MZ-SEC00001- MZ-SEC00073, along with exhibits used during testimony, bates-numbered MZ-SEC00074 - MZ-SEC00168. Also enclosed please find a document production made by the defendant to the SEC, bates-numbered MZ-SEC00169 - MZ-SEC00236.

B. **The Defendant's Criminal History**

C. Documents and Tangible Objects

Enclosed please find copies of the following materials received by the United States Attorney's Office from the SEC:

Description	Bates Range
SEC Declaration Exhibits	MZ-SEC00237 - MZ-SEC00543
Records related to REcoin obtained from publicly available sources, including the REcoin website and various press releases	MZ-SEC00544 - MZ-SEC00992
Records related to DRC/Diamond obtained from publicly available sources, including the Diamond website and various press releases	MZ-SEC00993 - MZ-SEC01219
Records related to 101LegoMedia Holding obtained from publicly available sources	MZ-SEC01220 - MZ-SEC01421
Other public records related to DRC/Diamond, REcoin, 1010Lego Media Holding and Live Love Laugh Global	MZ-SEC01422 - MZ-SEC02317
Registration and Corporate Documents for 101LegoMedia Holding, DRC World, Live Laugh Love Corporation and REcoin	MZ-SEC02318 - MZ-SEC02334
Banco Popular bank records	MZ-SEC02335 - MZ-SEC02381
Barclays Bank records	MZ-SEC02382 - MZ-SEC02535
Capital One bank records	MZ-SEC02536 - MZ-SEC02542
Wells Fargo bank records	MZ-SEC02543 - MZ-SEC02707
First Republic bank records	MZ-SEC02708 - MZ-SEC02737
Records from Google Wallet	MZ-SEC02738 - MZ-SEC02745
PayPal records	MZ-SEC02746 - MZ-SEC03177

Stripe records	MZ-SEC03178 - MZ-SEC03190
WePay records	MZ-SEC03191 - MZ-SEC03237
Bank of America records	MZ-SEC03238

Also, enclosed please find additional records related to this case.

Description	Bates Range
AT&T records for telephone number 718-812-4984	MZ-00001 - MZ-02371 MZ-00002-MZ-00005 intentionally omitted
Banco Popular records	MZ-02372 - MZ-02383
Barclay's records	MZ-02384 - MZ-02594 MZ-02384 – MZ-02393 intentionally omitted
Bank of America records	MZ-02595 - MZ-03328
Capital One records	MZ-03329 - MZ-03459
Equifax records	MZ-03460 - MZ-03472
Experian records	MZ-03473 - MZ-03484
First Republic Bank records	MZ-03485 - MZ-03515
	MZ-03516-MZ-03560 intentionally omitted
Wells Fargo records	MZ-03561 - MZ-03664
WePay records	MZ-03665 - MZ-03706
Ymax records for 702-359-1047	MZ-03707 - MZ-03712

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

D. Reports of Examinations and Tests

The government will provide you with copies of any additional reports of examinations or tests in this case as they become available.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

F. Brady Material

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

III. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a "formal offer" or a "plea offer," as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

BRIDGET M. ROHDE
Acting United States Attorney

By: /s/ Julia Nestor
Julia Nestor
Assistant U.S. Attorney
(718) 254-6297

Enclosures

cc: Clerk of the Court (RJD) (by ECF) (without enclosures)